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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,694	10/17/2000	Christopher R Lefebvre	47004.000062	2049

21967 7590 12/01/2003

HUNTON & WILLIAMS  
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1900 K STREET, N.W.  
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WASHINGTON, DC 20006-1109

EXAMINER
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YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/688,694

Applicant(s)  
Lefebvre et al.,

Examiner  
John Young

Art Unit  
3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 25, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-38 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **FIRST ACTION REJECTION**

### **DRAWINGS**

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **Antecedent Basis and Inferential Claiming**

2. Claims 5-9 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

As per claim 5, said claim at line 1 suffers from inferential claiming, and there is no explicit antecedent basis in the claim for “the incentive matrix further comprises. . . .”

Claims 6-9 are rejected for substantially the same reasons.

### **CLAIM REJECTIONS — 35 U.S.C. §103(a)**

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19-38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shurling 6,009,415 (12/28/1999) (herein referred to as "Shurling").

As per claim 1, Shurling (col. 16, ll. 38-55) discloses "*graphical reports. . . .*"

Shurling (FIG. 3) discloses a "*WORK STATION COMPUTER. . . .*" The Examiner interprets these disclosures as suggesting a graphical user interface.

Shurling (FIG. 5; the ABSTRACT; and whole document) discloses "*DETERMINE SCORE. . . .*" The Examiner interprets these disclosures as showing profitability factors.

Shurling (the ABSTRACT; FIG. 2; FIG. 3; FIG. 1; FIG. 4; FIG. 5; FIG. 6A; FIG. 6B; FIG. 6C; FIG. 7B; FIG. 8; FIG. 9; FIG. 10A; FIG. 10B; FIG. 11A; FIG. 11B; col. 1, ll. 5-67; col. 2, ll. 1-67; col. 3, ll. 1-11; col. 6, ll. 25-37; col. 8, ll. 50-67; col. 15, ll. 47-67;

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col. 16, ll. 38-67; col. 17, ll. 1-67; and col. 18, ll. 1-15) shows “A computer implemented method for providing one or more tailored incentives to a customer in response to a customer request . . . receiving a request from a customer; retrieving account data associated with the customer in response to the request . . . identifying the request as a request type, where the request type identifies the customer’s current situation; identifying the customer as a customer segment, where the customer segment identifies the customer’s past behavior; identifying one or more incentives based on the request type, the customer segment and . . . and offering the customer at least one of the identified one or more incentives for retaining the customer in response to the request.”

Shurling lacks an explicit recitation of “where the account data is displayed on a graphical user interface . . . [and] one or more profitability factors associated with a provider of the one or more incentives. . . .” even though Shurling suggests same.

It would have been obvious to a person of ordinary skill in the art of secure electronic transactions that the disclosure of Shurling (the ABSTRACT; FIG. 2; FIG. 3; FIG. 1; FIG. 4; FIG. 5; FIG. 6A; FIG. 6B; FIG. 6C; FIG. 7B; FIG. 8; FIG. 9; FIG. 10A; FIG. 10B; FIG. 11A; FIG. 11B; col. 1, ll. 5-67; col. 2, ll. 1-67; col. 3, ll. 1-11; col. 6, ll. 25-37; col. 8, ll. 50-67; col. 15, ll. 47-67; col. 16, ll. 38-67; col. 17, ll. 1-67; and col. 18, ll. 1-15) would have been selected in accordance with all of the elements and limitations of claim 19 because such features would have provided means for “*attracting and retaining long-term customers. . . .*” (See Shurling (col. 2, ll. 33-40)).

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As per claims 20-28, Shurling shows the method of claim 19 and subsequent base claims depending from claim 19.

Shurling (the ABSTRACT; FIG. 2; FIG. 3; FIG. 1; FIG. 4; FIG. 5; FIG. 6A; FIG. 6B; FIG. 6C; FIG. 7B; FIG. 8; FIG. 9; FIG. 10A; FIG. 10B; FIG. 11A; FIG. 11B; col. 1, ll. 5-67; col. 2, ll. 1-67; col. 3, ll. 1-11; col. 6, ll. 25-37; col. 8, ll. 50-67; col. 15, ll. 47-67; col. 16, ll. 38-67; col. 17, ll. 1-67; and col. 18, ll. 1-15) shows “wherein the product is a product offered by a financial institution.”

Shurling (the ABSTRACT; FIG. 2; FIG. 3; FIG. 1; FIG. 4; FIG. 5; FIG. 6A; FIG. 6B; FIG. 6C; FIG. 7B; FIG. 8; FIG. 9; FIG. 10A; FIG. 10B; FIG. 11A; FIG. 11B; col. 1, ll. 5-67; col. 2, ll. 1-67; col. 3, ll. 1-11; col. 6, ll. 25-37; col. 8, ll. 50-67; col. 15, ll. 47-67; col. 16, ll. 38-67; col. 17, ll. 1-67; and col. 18, ll. 1-15; and whole document) shows the elements and limitations of claims 20-28.

Shurling lacks an explicit recitation of the elements and limitations of claims 20-28 even though Shurling (the ABSTRACT; FIG. 2; FIG. 3; FIG. 1; FIG. 4; FIG. 5; FIG. 6A; FIG. 6B; FIG. 6C; FIG. 7B; FIG. 8; FIG. 9; FIG. 10A; FIG. 10B; FIG. 11A; FIG. 11B; col. 1, ll. 5-67; col. 2, ll. 1-67; col. 3, ll. 1-11; col. 6, ll. 25-37; col. 8, ll. 50-67; col. 15, ll. 47-67; col. 16, ll. 38-67; col. 17, ll. 1-67; and col. 18, ll. 1-15; and whole document)

It would have been obvious to a person of ordinary skill in the art that the disclosure of Shurling (the ABSTRACT; FIG. 2; FIG. 3; FIG. 1; FIG. 4; FIG. 5; FIG. 6A; FIG. 6B; FIG. 6C; FIG. 7B; FIG. 8; FIG. 9; FIG. 10A; FIG. 10B; FIG. 11A; FIG. 11B; col. 1, ll. 5-67; col. 2, ll. 1-67; col. 3, ll. 1-11; col. 6, ll. 25-37; col. 8, ll. 50-67; col. 15, ll.

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47-67; col. 16, ll. 38-67; col. 17, ll. 1-67; and col. 18, ll. 1-15; and whole document) would have been selected in accordance with the elements and limitations of claims 20-28 because such features would have provided means for “*attracting and retaining long-term customers. . . .*” (See Shurling (col. 2, ll. 33-40)).

Independent claim 29 is rejected for substantially the same reasons as independent claim 19.

Claims 30-38 are rejected for substantially the same reasons as claims 20-28.

## **RESPONSE TO ARGUMENTS**

4. Applicant's arguments (Amendment A, paper#8, filed 9/22/2003) have been considered but are not persuasive for the following reasons:

Applicant's arguments (Amendment A, paper#8) are moot because of new grounds of rejection necessitated by Applicant's amendment.

## **CONCLUSION**

5. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

Serial Number: 09/688,694

(Lefebvre et al.)

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Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.



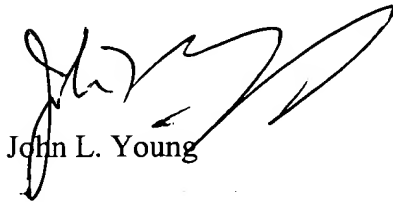
Serial Number: 09/688,694

(Lefebvre et al.)

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'John L. Young', with a large, sweeping flourish extending to the right.

Patent Examiner

November 28, 2003